

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

HANS A. QUAAK, ATTILIO PO  
and KARL LEIBINGER, on behalf of  
themselves and those similarly situated,

Plaintiffs,

No.: 03-CV-11566 (PBS)

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING  
CORP., SA),

Defendants.

STONINGTON PARTNERS, INC., a Delaware  
Corporation, STONINGTON CAPITAL  
APPRECIATION 1994 FUND L.P., a Delaware  
Partnership and STONINGTON HOLDINGS,  
L.L.C., a Delaware limited liability company,

No.: 04-CV-10411 (PBS)

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING  
CORP., SA),

Defendants.

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,

Plaintiffs,

v.

No.: 04-CV-10477 (PBS)

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING  
CORP., SA),

Defendants.

JANET BAKER and JAMES BAKER, JKBAKER  
LLC and JMBAKER LLC,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING  
CORP., SA),

Defendants.

No.: 04-CV-10501 (PBS)

**PLAINTIFFS' MOTION FOR LEAVE TO SUBMIT REPLY  
IN SUPPORT OF PLAINTIFFS' STATEMENT CONCERNING THE NEED  
FOR 30(b)(6) DEPOSITION(S) OF DEXIA BANK BELGIUM**

Class plaintiffs together with plaintiffs Stonington Partners, Inc., Stonington Capital Appreciation 1994 Fund L.P. and Stonington Holdings, L.L.C., Gary B. Filler and Lawrence Perlman, Trustees of the TRA Rights Trust, and Janet Baker, James Baker, JKBAKER LLC and JMBAKER LLC (collectively the "Plaintiffs") hereby move, pursuant to Massachusetts Local Rule 7.1(b)(3) for leave to submit the attached Reply Concerning the Need for 30(b)(6) Deposition(s) of Dexia Bank Belgium.

In support of this motion, Plaintiffs state as follows.

1. On November 20, 2006, Defendant Dexia Bank Belgium ("Dexia") filed its Response to Plaintiffs' Statement Concerning Proposed Rule 30(b)(6) Depositions ("Response") in opposition to Plaintiffs' Statement Concerning the Need for 30(b)(6) Deposition(s) of Dexia Bank Belgium. In its opposition, Dexia asserts new legal authority that was not addressed in its Memorandum of Law in Opposition to Plaintiffs' Motion for Leave to Conduct Rule 30(b)(6) Deposition of Dexia Bank Belgium, nor in argument to this Court on June 2, 2006, and Plaintiffs hereby seek leave to respond to the new authority raised by Dexia.

2. In the Response, Dexia also asserts that discovery including recently produced discovery, and/or depositions still to occur should lead this Court to deny the Plaintiffs' motion or at a minimum, postpone making a decision, in the proposed Reply, Plaintiffs also respond to these new allegations.

3. Plaintiffs therefore respectfully seek leave to file the attached Reply Statement to address these new issues raised by Dexia in its Response.

**Certification under D. Mass. Local Rules 7.1(a)(2) and 37.1(b)**

6. Pursuant to Local Rules 7.1(a)(2), undersigned counsel hereby certify that on December 1, 2006, counsel for the Bakers conferred by telephone with Maryana Kodner, Esq. of Clifford Chance US LLP, counsel for Dexia, concerning the filing of the instant motion. Counsel for Dexia indicated that Dexia would not consent to Plaintiffs' application for leave to file the Reply Statement.

WHEREFORE, Plaintiffs respectfully request that this Court enter orders:

- (1) relieving Plaintiffs of the obligation under Local Rule 7.1(b)(1) to file a memorandum of law and declaration in support of the instant motion simultaneously herewith;
- (2) authorizing the filing of the Reply Concerning the Need for 30(b)(6) Deposition(s) of Dexia Bank Belgium; and
- (3) for such other and further relief as the Court deems just and proper.

Dated: December 1, 2006

Respectfully submitted,

**BERMAN DEVALERIO PEASE  
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/s/ Patrick T. Egan

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**CERTIFICATE OF SERVICE**

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ George Coe  
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George R. Coe